

## CITY OF ALAMEDA

### Memorandum

To: Honorable Mayor and  
Members of the City Council

From: John A. Russo  
City Manager

Date: June 21, 2011

Re: Hold a Public Hearing to Adopt a Resolution Approving the Engineer's Report, Confirming Diagram and Assessment, and Ordering the Levy of Assessments, Island City Landscaping and Lighting District 84-2, All Zones

### BACKGROUND

On February 1, 2011, in accordance with the Landscape and Lighting Act of 1972, the City Council appointed the City Engineer and the City Attorney for the Landscaping and Lighting Assessment District (LLAD) 84-2 and authorized the preparation of the Engineer's Report. On May 3, 2011, the City Council preliminarily approved the Engineer's Report, declared an intention to order the levy and collection of the assessments, and set a public hearing for June 21, 2011.

### DISCUSSION

The Engineer's Report was prepared by NBS in accordance with Section 22565 et seq. of the California Streets and Highways Code and provides an annual budget to provide enhanced maintenance of the improvements within Zones 1 through 7 of LLAD 84-2. The Engineer's Report provides an estimate of cost by each of the seven zones for FY11-12. Maps of the seven zones are attached. The zones and enhanced maintenance work are as follows:

Zone 1 - Lincoln Avenue between Sherman Street and St. Charles Street: This zone is responsible for the maintenance of the landscaped median in the 1100 and 1200 blocks of Lincoln Avenue, including the utilities for operating the irrigation. The revenue received through the assessments for this zone is sufficient to fund 100% of the maintenance budget. For FY11-12, the property assessments will remain unchanged from the previous year's assessment.

Zones 2 and 3 - Webster Street from Central Avenue to Lincoln Avenue and Webster Street from Lincoln Avenue to Atlantic Avenue: These two zones work together and fund landscape maintenance and seasonal banners. Assessments have remained unchanged since the early 1990s.

Currently, the revenues generated by these zones fund 84% of the total maintenance budget for Zone 2 and 86% for Zone 3. In 2007, an effort to increase assessments failed in these two zones, and the West Alameda Business Association (WABA) Board is not supportive of proposing an increase in assessments due to the current economic condition. The proposed budget for FY11-12 continues to allocate a portion of the City's reserve fund balance and maintains the past years' \$5,200 decrease in maintenance expenses. In FY10-11, City staff, in conjunction with WABA, issued a Request for Proposals for maintenance services. The annual maintenance contract was awarded to First Building Maintenance without reducing the maintenance level within the LLAD. Together these zones are drawing on reserves at the rate of \$7,120 per year, after the decrease in expenses. If assessments are not increased by FY14-15, additional budget reductions will be required.

Zone 4 - Park Street from the Park Street Bridge to San Jose Avenue, including areas of Webb Avenue, Santa Clara Avenue, Lincoln Avenue, and Central Avenue: This zone funds landscape maintenance, semi-annual sidewalk steam cleaning, supplies, and seasonal banners/decorations. Assessments have remained unchanged since the early 1990s.

Currently, the revenues received through the assessments from this zone are sufficient to fund 100% of the total maintenance budget because of implemented budget reductions. Previously, the Park Street Business Association (PSBA) anticipated that an assessment increase would be proposed for FY09-10; however, owing to the economic condition, this increase did not move forward. Since the economy has remained stagnant, the PSBA Board is not recommending an increase in assessments for FY11-12.

The maintenance contract associated with the assessment district is currently managed by PSBA, and PSBA pays for any costs exceeding the assessment district allocation. Based on the savings realized from using a competitively bid contract for Webster Street, PSBA has requested that staff pursue contracting the maintenance of the zone to a private contractor, possibly the same as Webster Street, to determine if there will be any cost savings. If a contract is awarded, the scope will be developed with PSBA to ensure that costs stay within the projected district and PSBA revenues.

Zone 5 - Harbor Bay Business Park: This zone funds irrigation and landscape maintenance costs within the Harbor Bay Business Park (HBBP), including tree trimming, sidewalk and pathway repairs, energy cost, and streetlight maintenance costs. The budget for this zone is developed in conjunction with the HBBP Association. Based on previous approval by the property owners, an automatic Consumer Price Index (CPI) increase is applied to this zone's assessment.

The revenues received through the assessments from this zone are sufficient to fund 100% of the proposed FY11-12 maintenance budget. Last year's maintenance budget included an allocation of \$350,000 from reserve funds to initiate a program to re-landscape the existing street medians by reducing the amount of sod and on-going irrigation costs. This project is 80% complete and is expected to result in an overall reduction in maintenance and utility costs for the zone. For FY11-12, the proposed property assessment includes an annual CPI increase of 1.7%, which increases revenues by \$12,796.

Zone 6 - Alameda Marina Village Commercial Areas: This zone funds irrigation and landscape maintenance costs within the commercial areas of Marina Village, including tree trimming, the linear shoreline park, sidewalk and pathway repairs, street lighting maintenance, and energy costs. The revenue received from the assessments in this zone is sufficient to fund 100% of the proposed maintenance budget. The budget for this zone is developed in conjunction with the Marina Village Management Group. Based on previous approval by the property owners, assessments are adjusted annually in accordance with the CPI. The proposed budget for this district includes an annual CPI increase of 1.7%, which increases revenues by \$5,929.

Zone 7 - 1100 and 1200 blocks of Bay Street: This zone funds enhanced maintenance for the elm trees along Bay Street.

Currently the revenues received from the association in this zone cover 90% of the total maintenance budget. Owing to the type and frequency of the tree maintenance involved, the maintenance budget fluctuates from year to year, but the assessments remain the same. Accordingly, allocations are made from reserves as necessary. The property owners request that the assessments remain at \$150 per property. Staff supports this request, as there are sufficient long-term maintenance reserve funds available to fund the proposed maintenance budget. For FY11-12, the property assessment will be \$150 per property.

## CONCLUSION

Public Works staff proposes that the City Council adopt a resolution approving the Engineer's Report, confirming the assessment diagram and the assessment amount by parcel, and ordering the levy of assessments for the Island City LLAD 84-2, for all zones. A copy of the Engineer's Report is on file with the City Clerk's office.

FINANCIAL IMPACT

The City funds portions of the districts through the following program budgets: \$13,970 from Street Tree and Median Maintenance (001-4250-66410) and Golf Administration (601-5305-61060), for the landscape maintenance for Harbor Bay Parkway between Maitland Drive and Doolittle Drive; \$15,000 from Recreation & Park Administration (001-51110-61060), for maintaining the shoreline park along Harbor Bay Parkway within Zone 5; \$3,000 from Street Tree and Median Maintenance (001-4250-66410), for street tree maintenance for Zone 7, and approximately \$84,000 is shared by each zone in proportion to the value of their annual assessments for the City to administer the Assessment Districts. These costs are included within the operating budget for each department.

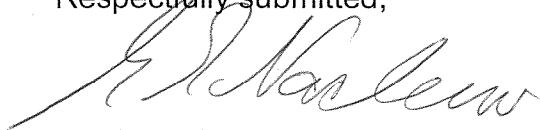
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action is authorized pursuant to the Alameda Municipal Code, Section 3-80.

RECOMMENDATION

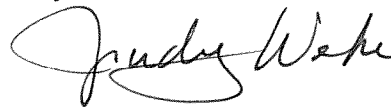
Hold a Public Hearing and adopt a resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of assessments for the Island City LLAD 84-2, all zones.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

By,



Judy Wehe  
Senior Management Analyst

Approved as to funds and account,

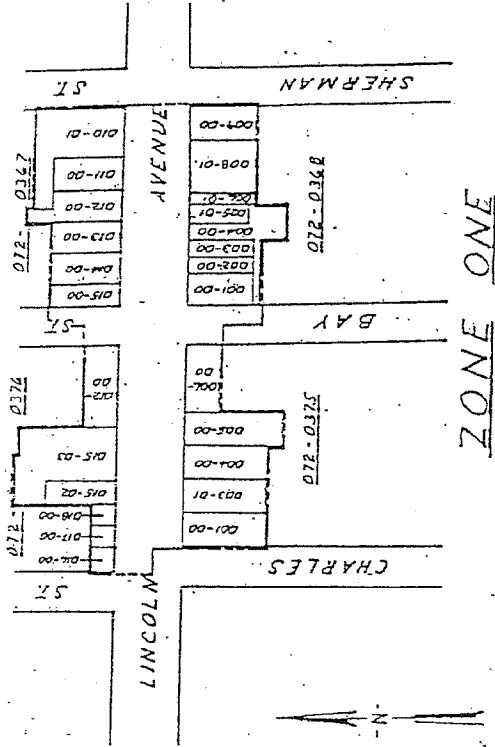
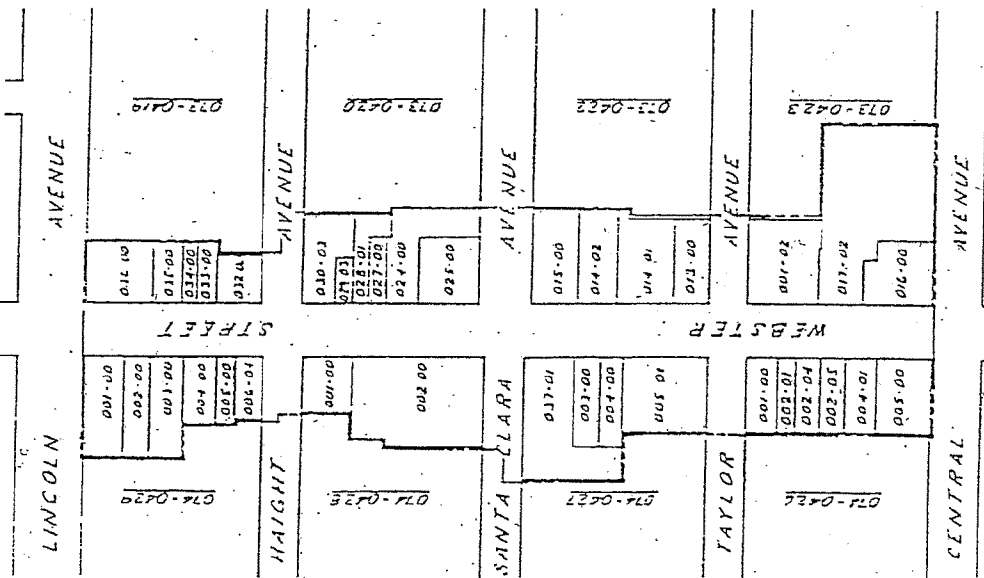


Fred Marsh  
Controller

Exhibits:

1. Zones 1 through 7 maps
2. Engineer's Report (on file in the City Clerk's office)

# ZONE TWO



## SPECIFICATIONS

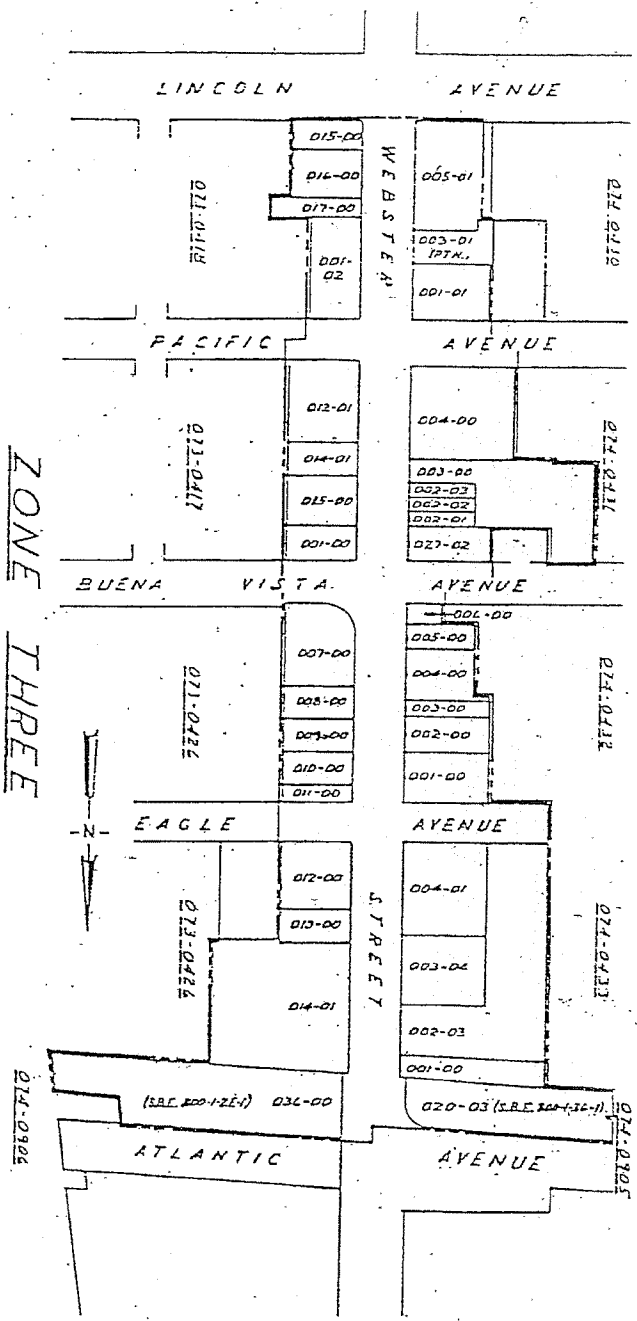
ZONE NO.	NAME OF WORK
1	LINCOLN (OT CHARLES TO SHERMAN)
2	HAUGHT (CENTRAL TO LINCOLN)
3	WEBSTER (LINCOLN TO ATLANTIC)
4	CLARA (CLARA TO EVERETT) CLARA (CLARA TO EVERETT) CLARA (CLARA TO EVERETT)

DESCRIPTION OF WORK  
 TREE MAINTENANCE  
 ALDIAN MAINTENANCE  
 REFUGEE CONTAINER MAINTENANCE  
 TREE MAINTENANCE  
 REFUGEE CONTAINER MAINTENANCE  
 TREE MAINTENANCE  
 REFUGEE CONTAINER MAINTENANCE  
 TREE MAINTENANCE  
 REFUGEE CONTAINER MAINTENANCE

## LEGEND

012-0126 INDICATES ASSESSOR'S BOOK / PAGE NO.  
 015-01 INDICATES ASSESSOR'S PARCEL NO.  
 012-0126 INDICATES DISTRICT / ZONE BOUNDARY  
 FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY LOTS OR PARCELS SHOWN HEREON, REFER TO THE ASSESSOR'S MAPS OF ALAMEDA COUNTY.

		CITY OF ALAMEDA PUBLIC WORKS DEPARTMENT DIAGRAM OF ISLAND CITY LANDS CAPING A LIGHTING DISTRICT
PREPARED BY JAMES H. BAKER DATE 5/23/95	SHEET NO. 8884	TOTAL SHEETS 51
SCALE 1" = 100'		



**ZONE THREE**

Filed in the office of the City Clerk of the City of Alameda, California, this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_.

Diane Felsch, City Clerk

An assessment was levied by the City Council of the City of Alameda, California, on July, \_\_\_\_\_, 198\_\_, and parcels of land shown on this diagram as the \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_, by the resolution No. \_\_\_\_\_.

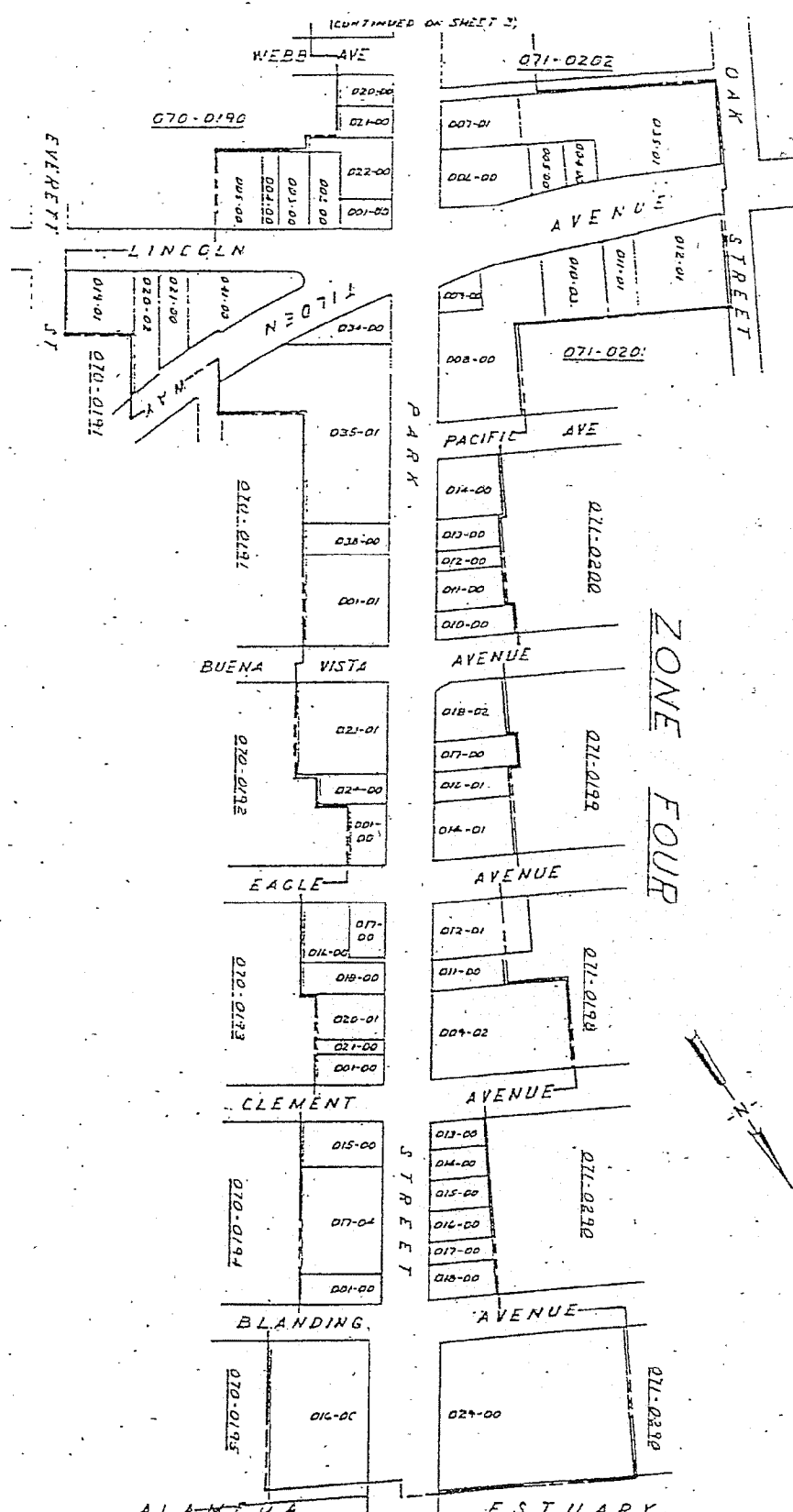
Diane Felsch, City Clerk

Filed in the office of the County Auditor of the County of Alameda, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_.

Dorothy M. Parfitt  
Auditor of the County of Alameda, California

BRANCH NAME		REFERENCE	
CITY OF ALAMEDA		CITY OF ALAMEDA	
ENGINEERING DEPARTMENT		ENGINEERING DEPARTMENT	
DIAGRAM OF		DIAGRAM OF	
ISLAND CITY LANDSCAPING		ISLAND CITY LANDSCAPING	
A LIGHTING DISTRICT 44-2		A LIGHTING DISTRICT 44-2	
DATE		DATE	
5/23/85		5/23/85	
0884		0884	
61		61	



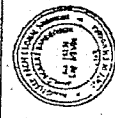


ZONE FOUR

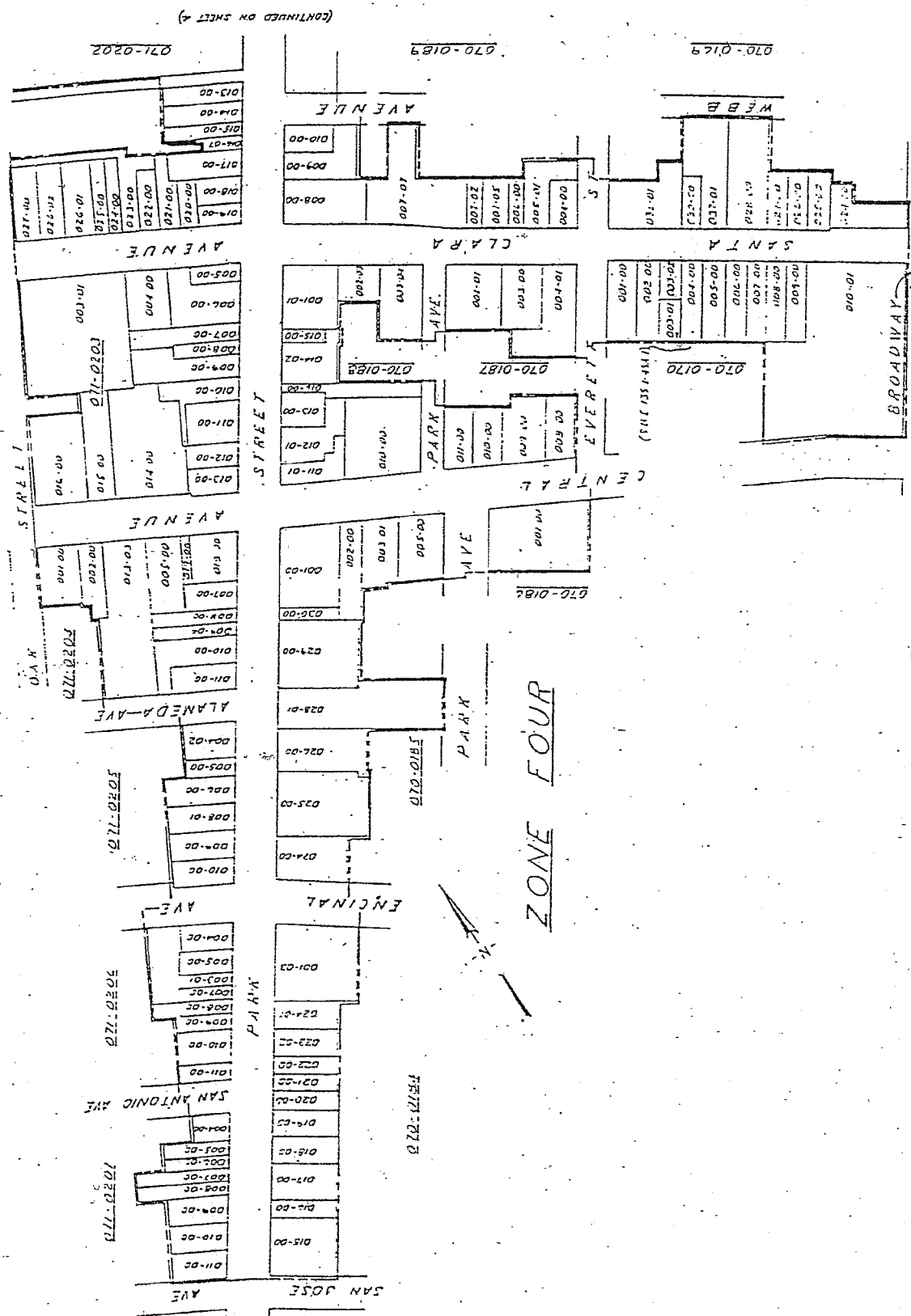


SERIAL NAME		REFERENCE	
CITY OF ALAMEDA		SOUTHERN CALIFORNIA GAS COMPANY	
DIAGRAM OF		LAND CITY LANDSCAPING	
A LIGHTING DISTRICT 64-2		A LIGHTING DISTRICT 64-2	
0884		61	





CITY OF ALAMEDA  
ENGINEERING DEPARTMENT  
DIAGRAM OF  
ISLAND CITY LANDSCAPING  
A LIGHTING DISTRICT  
DATE 5/23/05  
BY J. J. J. J.  
8004 51

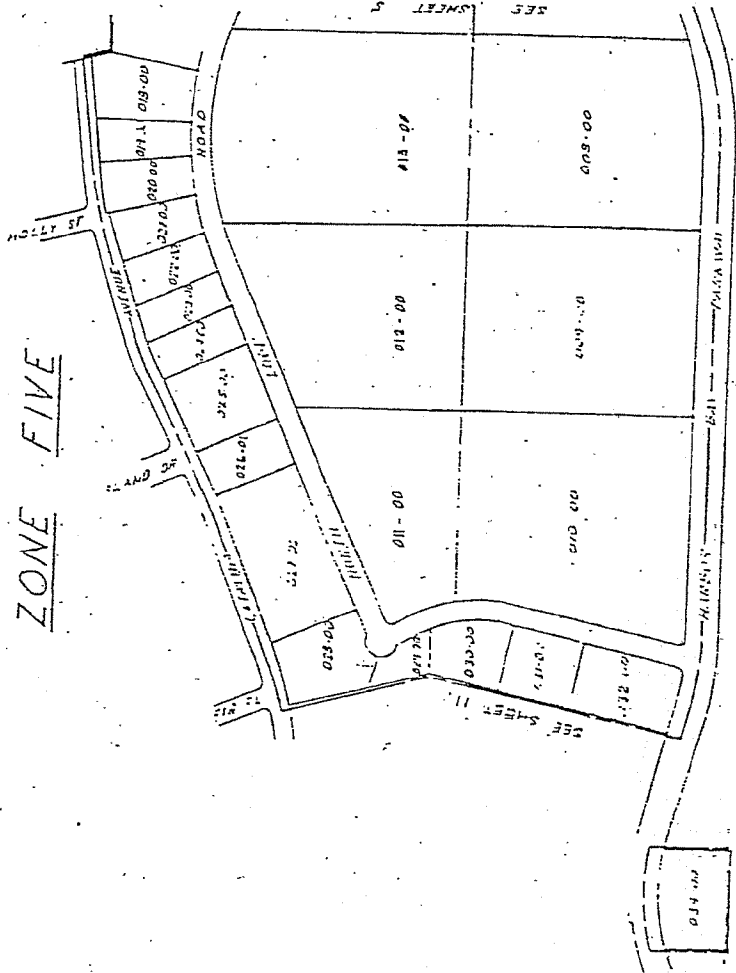


SHEET NO.	SHEET TOTAL	DATE	BY	CHECKED	APPROVED	REVISIONS	REFERENCES	BENCH MARK
1	1	5/23/05	J. J. J. J.					

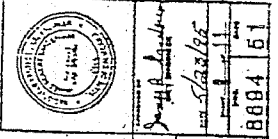




ZONE FIVE



024-1337

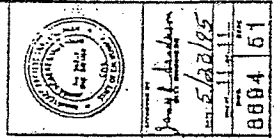
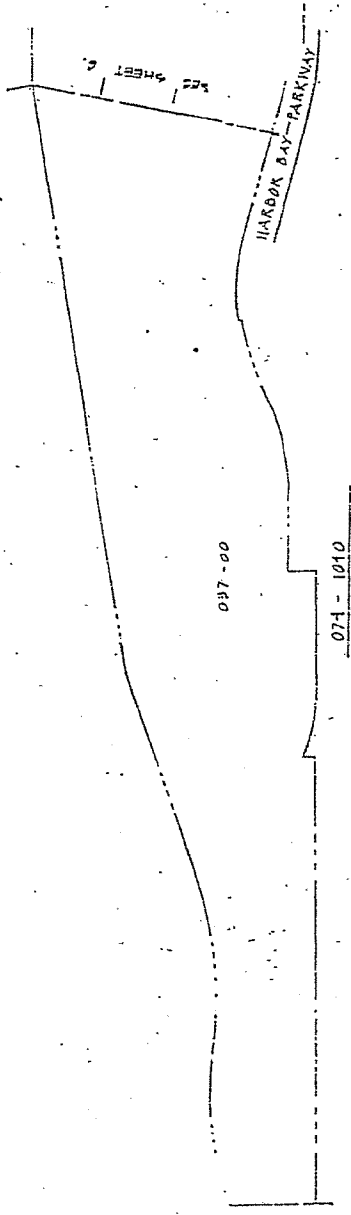


BENCH MARK	REFERENCE	CITY OF ALAMEDA ENGINEERING DEPARTMENT	
		DIAGRAM OF ISLAND CITY LAND GRAPING A LIGHTING DISTRICT 84-2	
		DATE 1/23/25	BY J. J. J.
		SCALE 1" = 100'	8004 51



1-7-22

ZONE FIVE

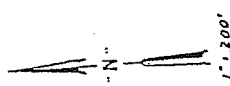


CITY OF ALAMEDA  
ENGINEERING DIVISION  
DIAGRAM OF  
JULIANE CITY LANDSCAPING  
LIGHTING DISTRICT

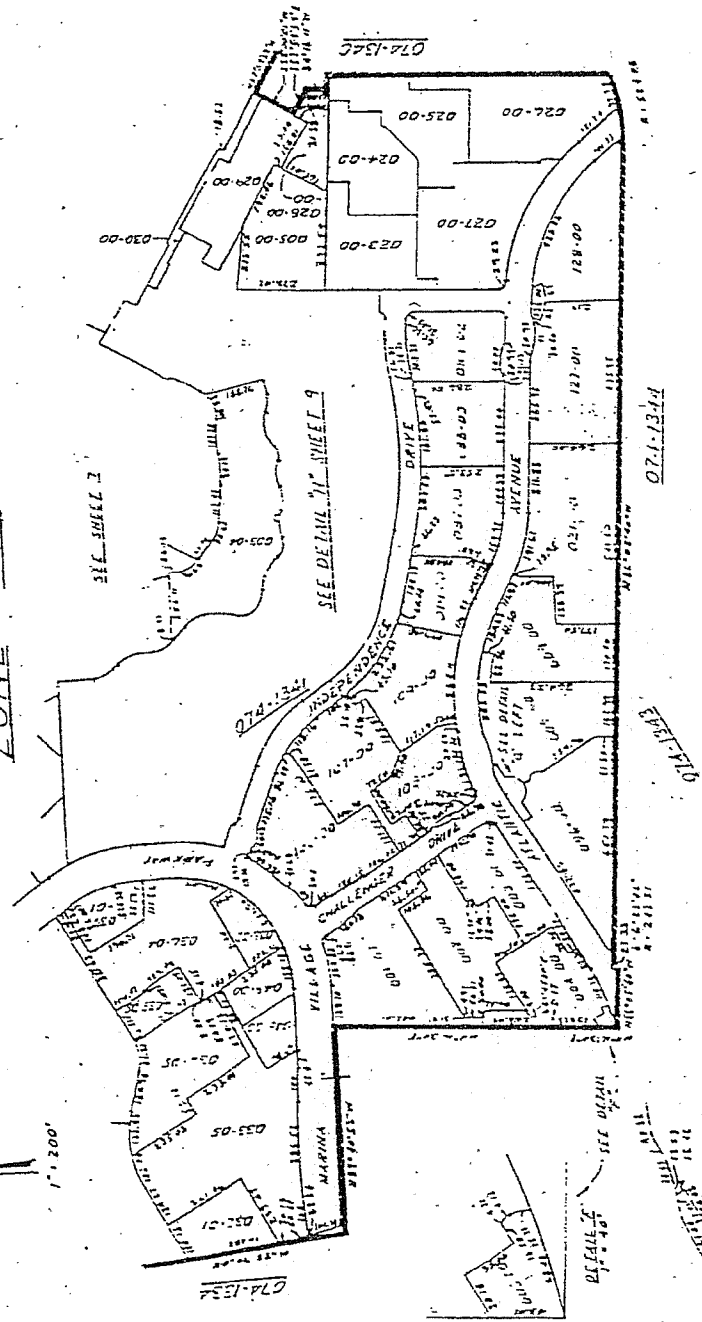
DATE: 5/22/85  
BY: J. J. J.  
CHECKED: J. J. J.  
APPROVED: J. J. J.


REFERENCE	DATE	BY	CHECKED	APPROVED

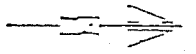
8884 51



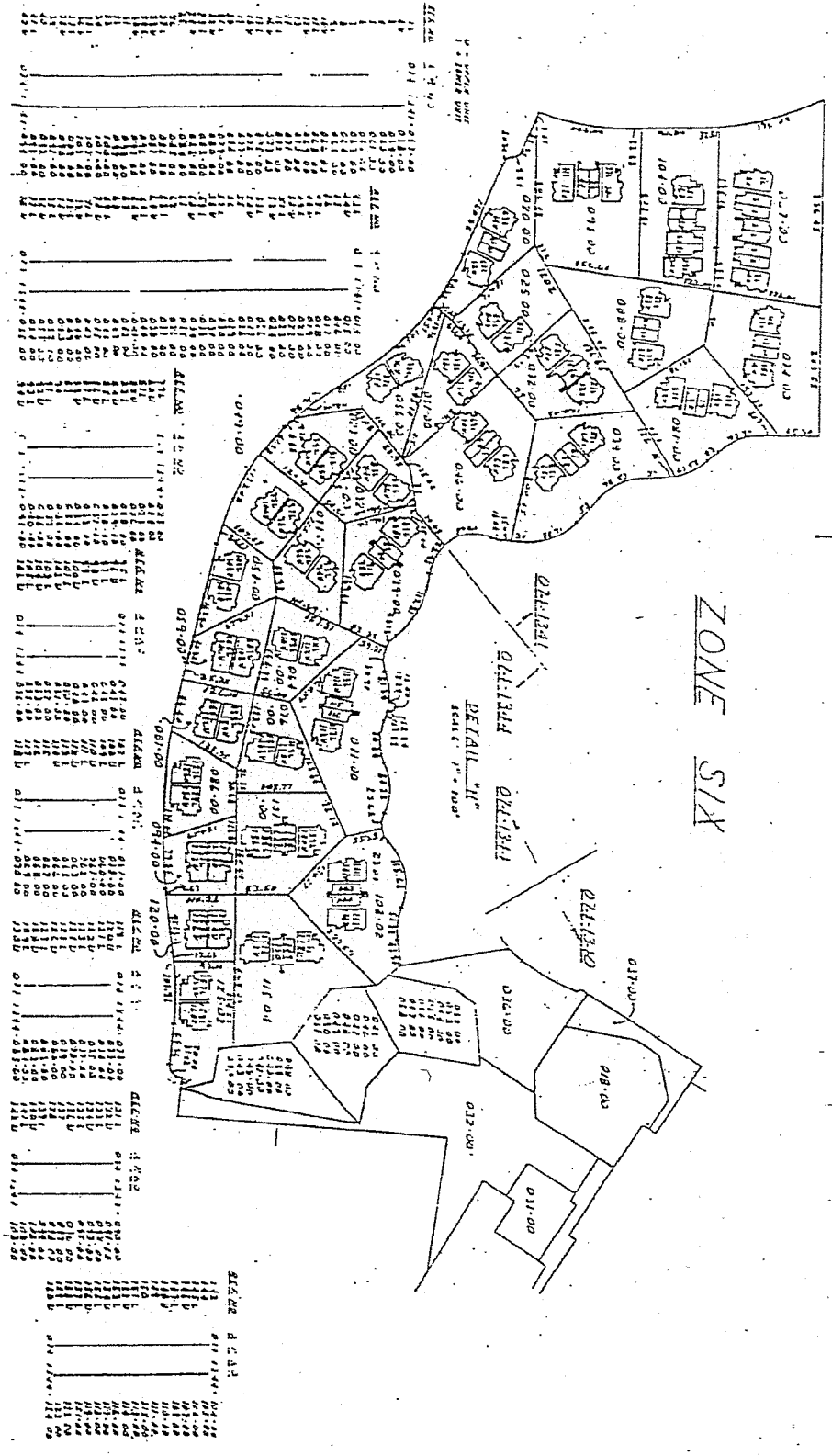
ZONE SIX



	
CITY OF ALAMEDA ENGINEERING DEPARTMENT	
DIAGRAM OF ISLAND CITY LANDSCAPING A LIGHTING DISTRICT 11-1	
DATE	5/23/95
BY	11
CHECKED	11
APPROVED	11
PROJECT NO.	8894 51

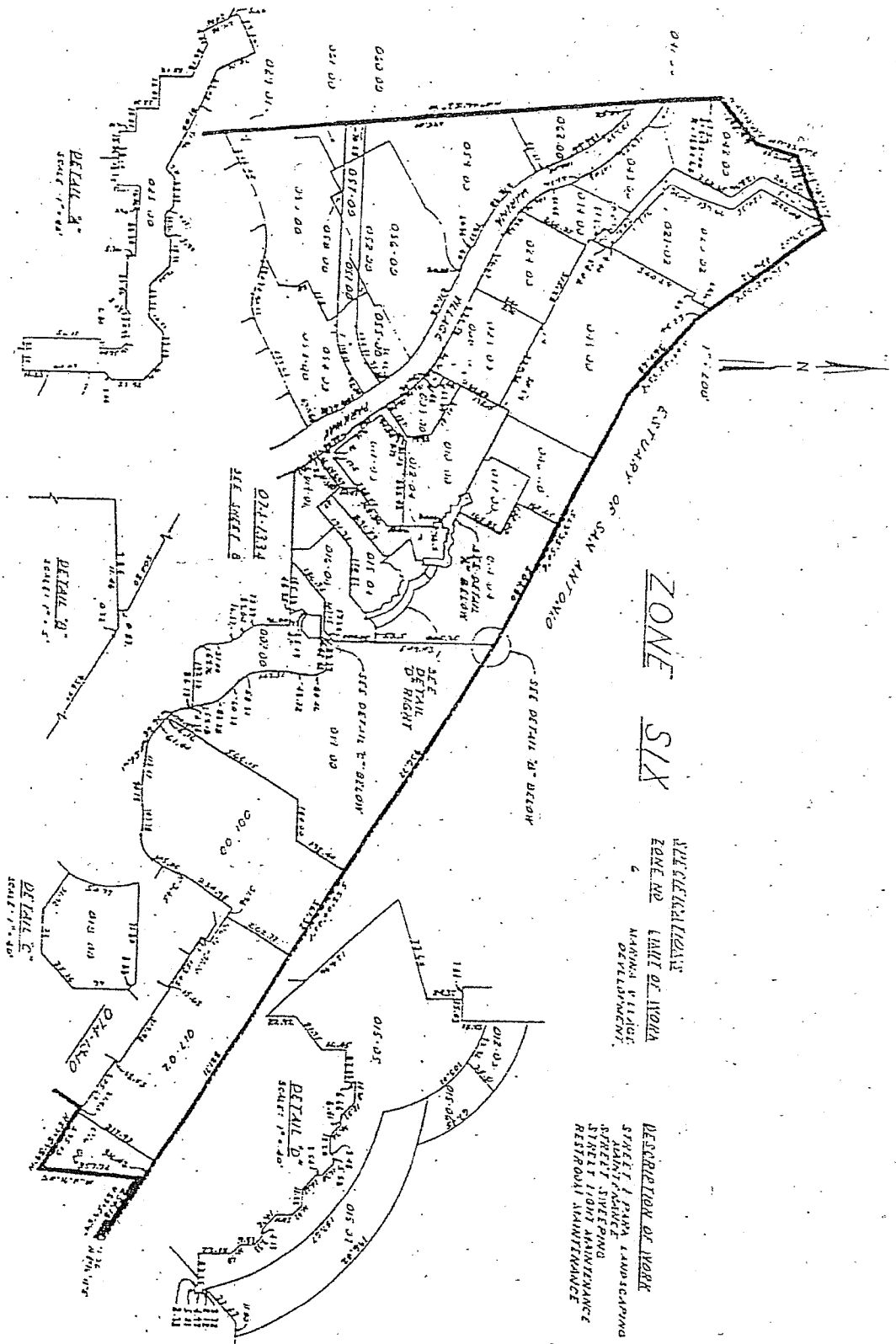


# ZONE SIX



SHEET NAME		REFERENCE	
CITY OF ALAMEDA		ENGINEERING DEPARTMENT	
DIAGRAM OF		LAND CITY LANDSCAPING	
LIGHTING DISTRICT 44-1		5/28/95	
8004		61	





# ZONE SIX

SPECIALIZED  
ZONE NO. 6  
LAND OF WORK  
MAINTENANCE  
DEVELOPMENT

DESCRIPTION OF WORK  
STREET & PARK LANDSCAPING  
STREET LIGHTING  
STREET FURNITURE  
STREET SIGNAGE  
STREET LIGHTING MAINTENANCE  
STREET FURNITURE MAINTENANCE  
STREET SIGNAGE MAINTENANCE

REVISIONS		CITY OF ALAMEDA ENGINEERING DEPARTMENT	
NO.	DATE	BY	CHKD.
1	5/13/95	J. J. J.	J. J. J.
PROJECT		ISLAND CITY LANDSCAPING & LIGHTING DISTRICT 84-2	
SHEET NO.		8604 61	





CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING THE ENGINEER'S REPORT, CONFIRMING  
DIAGRAM AND ASSESSMENT, AND ORDERING LEVY OF  
ASSESSMENTS, ISLAND CITY LANDSCAPING AND LIGHTING  
DISTRICT 84-2, ALL ZONES

WHEREAS, by its Resolution No. 14181, a resolution directing preparation of an Annual Report for Island City Landscaping and Lighting District (LLAD) 84-2, this Council designated the City Engineer as Engineer of Work and directed said Engineer of Work to make and file a report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that Tuesday, June 21, 2011, at the hour of 7:00 o'clock p.m., in the regular meeting place of this Council, Council Chambers, Alameda City Hall, 2263 Santa Clara Avenue, Alameda, California, was appointed as the time and place for a hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was duly and regularly published; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested, desiring to be heard, were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered, and overruled, and this Council thereby acquired jurisdiction to order the levy, confirm the diagram and assessment prepared by and made a part of the Engineer's Report and to pay the costs and expenses thereof.

NOW, THEREFORE, IT IS RESOLVED, that:

1. No vote of the property owners is required because proposed increases are allowed based on previous approval of the property owners owning more than fifty percent of the area of assessable lands within the District.
2. The public interest, convenience, and necessity require that the levy be made.
3. The District benefited by the improvements is to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by this reference.

Resolution #6-A  
06-21-11

Approved as to Form

City Attorney



4. The Engineer's Report as a whole and each part thereof is hereby confirmed to wit:

(a) the Engineer of Work's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;

(b) the diagram showing the District, plans, and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the District; and

(c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto.

5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, the estimate of the costs and expenses, and the diagram and the assessment as contained in the report, as hereinabove determined and ordered, shall refer and apply to the report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.

6. The assessment to pay the costs and expenses of the maintenance of the improvements is hereby levied. For further particulars pursuant to the provisions of the Landscaping and Lighting Act of 1972, reference is hereby made to the Resolution directing preparation of Annual Report.

7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the June 21, 2011 hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of the aforesaid findings and determination as to special benefits.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the diagram and assessment, and a certified copy of this resolution, with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Finance Division of this City.

9. Upon receipt of moneys representing assessments collected by the County, the Finance Division of this City of Alameda shall deposit said moneys in the City Treasury to the credit of an improvement fund, which improvement fund the Finance Division of this City is hereby directed to establish under the distinctive designation of the District. Moneys in the improvement fund shall be expended upon the maintenance of the improvements.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21st day of June, 2011 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of June, 2011.

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Lara Weisiger, City Clerk  
City of Alameda